

SENATE BILL 4084

By Burchett

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 15; Title 39, Chapter 17, Part 16 and Title 39, Chapter 17, Part 18, relative to smoking in motor vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1802, is amended by adding the following language as new, appropriately designated subdivisions:

(_) "Child" means a person who is under eighteen (18) years of age;

(_) "Motor vehicle" means a self-propelled vehicle;

SECTION 2. Tennessee Code Annotated, Section 39-17-1803, is amended by adding the following language as a new subsection:

(c) Smoking is prohibited in all motor vehicles where a child is present.

SECTION 3. Tennessee Code Annotated, Section 39-17-1804, is amended by deleting the language " Notwithstanding any other provision of this part to the contrary, the following areas shall be exempt from § 39-17-1803:" and by substituting instead the language "Notwithstanding any other provision of this part to the contrary, the following areas shall be exempt from § 39-17-1803(a):".

SECTION 4. Tennessee Code Annotated, Section 39-17-1804, is further amended by deleting subdivision (8) in its entirety and by substituting instead the following:

(8) Private homes and private residences, unless those homes and residences are being used for child care or day care;

SECTION 5. Tennessee Code Annotated, Section 39-17-1806, is amended by adding the following language as a new subsection:

(f) Notwithstanding any provision of this section to the contrary, § 39-17-1803(c) shall be enforced by state and local authorities, in their respective jurisdictions, whether

violations occur on public or private property in the same manner used to enforce other traffic laws.

SECTION 6. Tennessee Code Annotated, Section 39-17-1807, is amended by adding the following language as a new subsection:

(d) Notwithstanding any provision of this section to the contrary, a violation of § 39-17-1803(c) is a Class C misdemeanor, punishable only by a fine of fifty dollars (\$50.00).

SECTION 7. This act shall take effect July 1, 2008, the public welfare requiring it.